



October 19, 1999

Ms. Lee Shapleigh  
Assistant County Attorney  
El Paso County  
County Courthouse  
500 E. San Antonio, Room 203  
El Paso, Texas 79901

OR99-2954

Dear Ms. Shapleigh:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129781.

The El Paso County Attorney (the "county attorney") received a request for a juvenile criminal record for two individuals. You indicate that you were unable to locate responsive information regarding one of the individuals. As for the information related to the second individual, you claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Family Code section 58.007(b) provides as follows:

(b) Except as provided by Article 15.27, Code of Criminal Procedure, the records and files of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title are open to inspection only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney for a party to the proceeding;

(4) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or having custody of the child under juvenile court order; or

(5) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

The submitted documents are records kept by a prosecuting attorney relating to a child who is a party to a proceeding. We agree that none of the exceptions to confidentiality are applicable, and you indicate that the court has issued no order for the release of the information. Thus, the records are made confidential by section 58.007(b) of the Family Code and you must withhold the requested information in its entirety pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Carla Gay Dickson  
Assistant Attorney General  
Open Records Division

CGD/ch

Ref: ID# 129781

Encl. Submitted documents

cc: Ms. Christina Ramirez  
El Paso Times  
P.O. Box 20  
El Paso, Texas 79999  
(w/o enclosures)